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Application Number 09/742,699

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First Named Inventor Ajit S. Shah

Art Unit 2166

Examiner Name Isaac M. Woo

Attorney Docket Number PA1273US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS: Ajit S. Shah et al.
APPLICATION NO.: 09/742,699
CONF. NO.: 9128
TITLE: Information Exchange Engine Providing a Critical
Infrastructure Layer and Methods of Use Thereof
FILING DATE: December 20, 2000
EXAMINER: Isaac M. Woo
ART UNIT: 2166
ATTY. DKT. NO: PA1273US
CUSTOMER NO.: 22830

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BRIEF ON APPEAL

Sir:

This brief is submitted in an Appeal from the Final Office Action of July 5, 2006
rejecting claims 27-49 of the above-referenced patent application.

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(1) Real Party in Interest

The real party in interest in the above-referenced patent application is PlanetIdeal, Inc. of Portola Valley, California.

(2) Related Appeals and Interferences

To the knowledge of Appellants' legal representative, there are no related appeals or interference proceedings which will directly affect, or be directly affected by, or have a bearing on, the Board's decision in this Appeal.

(3) Status of Claims

Claims 1-26 are cancelled.

Claims 27-49 stand rejected and are being appealed.

(4) Status of Amendments

In response to the Final Office Action dated July 5, 2006, an Amendment was filed on October 10, 2006. An Advisory Action was mailed on October 24, 2006 indicating that the paper did not place the application in condition for allowance.

(5) Summary of Claimed Subject Matter

Independent claims 27, 35, and 43 provide a system, a method, and a software product for information exchange. Exemplary uses include: (1) automatically disseminating information that has changed regarding people, groups, or businesses within a network of contacts; (2) maintaining a community address book for clubs,

organizations, chat groups, etc.; (3) drawing on stored information to fill out on-line registration, commerce, and site log-in forms; and (4) automatically notifying friends, relatives, and businesses when a user moves. Specification at page 3 lines 11-25.

Claim 27 recites a system comprising an engine and a database. With reference to FIG. 1, “[t]he critical infrastructure layer that primarily provides the operational capability of the system 102 to facilitate the storage, modification, and exchange of information for people and businesses lies in the exchange engine layer 150.”

Specification at page 5 lines 10-13. As shown in FIG. 1, the exchange engine layer 150 comprises an account manager 152, a virtual record manager (VRM) 154, and a data exchange engine (DXE) 156. “The information that is exchanged by users of the system 102 is maintained in a database 160.” Specification at page 5 lines 9-10. In claim 27, the database is configured to store at least one field of the personal information.

The engine of claim 27 is configured to 1) determine an identity of a first party to be provided personal information, 2) determine whether a selected field of the personal information of a second party can be provided to the first party, and 3) provide the selected field of the personal information of the second party to the first party. Regarding the limitation of 1) determining an identity of a first party, “[t]he account manager 152 [] verify[ies] that the user logging in to the system 102 is a registered user and [] retrieve[s] the internal account ID of the user.” Specification at page 8 lines 9-11.

Regarding the limitation of 2) determining whether a selected field of the personal information of a second party can be provided to the first party, “[t]he DXE 156 provides interfaces to enable users to request information from each other, approve or deny requests for information, and provide authorized information.” Specification at page 21 lines 4-6. “The DXE 156 is operative to track relationships between users in a Data_Sharing table. Each record represents what is shared from user A to user B.” Specification at page 22 lines 7-9.

Regarding the limitation of 3) providing the selected field of the personal information of the second party to the first party:

Once the contact manager 148 is familiar with the fields (represented as field IDs) shared by one registered user with another (i.e., shared by the dynamic contact with the logged-in user), it invokes the VRM 154 to read the contents of the shared fields. The system 102 is capable of then providing the content of these fields to the appropriate interface layer server 131-139, for transmission to the associated client platform 111-119. Specification at page 8 lines 17-22.

The limitations of independent claim 35 directed to an information exchange method, and independent claim 43 directed to a software product, are likewise supported by the above summary.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 27-49 have been rejected under 35 U.S.C. §102(e) as being anticipated by Liu (US 6,216,131).

(7) Argument

(A) Applicable Law

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

During patent examination, the pending claims must be “given their broadest *reasonable* interpretation consistent with the specification.” *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000, emphasis added). This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). “[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.”

Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc).

If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant’s use of the terms.

Brookhill-Wilk 1 LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003); see also *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) (“Where there are several common

meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.”).

(B) Appellants’ Understanding of the Examiner’s Position

Based on a teleconference of September 13, 2006 between the Examiner and Robert Hayden (42,645), Karen Kaufman (57,239), and Ajit Shah (Inventor) for Appellants, it is Appellants’ understanding that the Examiner takes the following positions:

- i) the software for synchronization described in Liu reads on the “engine” of the claims;
- ii) the REX handheld device 154 described in Liu reads on the “first party” of the claims; and
- iii) the computer system 100 described in Liu reads on the “second party” of the claims.

(C) Novelty over Liu

Appellants assert that the limitations discussed below with reference to independent claim 27 are also found in independent claims 35 and 43. Accordingly, independent claims 35 and 43 are novel over Liu for the same reasons provided below with respect to claim 27.

Claim 27 is novel over Liu because elements of claim 27 are not found, either expressly or inherently, in Liu. Assuming the Examiner’s correlations between the

features of Liu and the limitations of claim 27 listed in the preceding section, Appellants assert that the engine of Liu is not configured to 1) **determine** an identity of a first party to be provided personal information, 2) determine whether a selected field of the personal information *of* a second party can be provided to the first party, and 3) provide the selected field of the personal information of the second party to the first party, as required by claim 27.

1. **determine** an identity of a first party to be provided personal information

Appellants assert that the engine of Liu is not configured to **determine** an identity of a first party to be provided personal information. Given the Examiner's correlations between the features of Liu and the limitations of claim 27 listed in the preceding section, the synchronization software of Liu would have to be configured to determine an identity of the REX handheld device 154. To understand why the synchronization software of Liu is not configured to determine the identity of the REX handheld device 154 requires finding the broadest reasonable interpretation of the term "determine" that is consistent with the specification.

"[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc). If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most

consistent with applicant's use of the terms. *Brookhill-Wilk 1 LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). *The American Heritage® Dictionary of the English Language, Fourth Edition*, provided at the Dictionary.com website (<http://dictionary.reference.com/browse/determine>) lists 9 transitive and 2 intransitive verbs for “determine.” Since this dictionary clearly shows that extrinsic sources evidence more than one definition for the term “determine,” the intrinsic record *must* be consulted to identify which of the different possible definitions is most consistent with Appellants' use of the terms. Moreover, where there are several common meanings for a claim term, as here, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.

Based on the specification, the broadest reasonable interpretation of the term “determine” is the second definition provided by *The American Heritage® Dictionary*, “to establish or ascertain definitely, as after consideration, investigation, or calculation.” The specification of the present application gives the following example that supports this definition of “determine.” In one instance, the engine determines the identity of the first party by “verify[ing] that the user logging in to the system 102 is a registered user and...retriev[ing] the internal account ID of the user” Specification at page 8 lines 9-11. Accordingly, after the engine *considers* whether the user is registered, the engine *ascertains* the internal account identifier of the user. Here, in accordance with the cited definition, the engine ascertains the internal account identifier after investigation.

Turning to Liu, to synchronize information an “opening Wizard panel 300a ask[s] the user to enter a user name.” ‘131:5:36-38. The (REX) User Name is the identification associated with a specific REX card. One can add additional user names to the list for individuals sharing the same Information Manager...” ‘131:5:39-42. As shown in FIG. 3A of Liu, a user is asked to create or select a user name for the REX card. The synchronization software of Liu, of which the opening Wizard panel 300a is a part, merely provides a list of known user names or accepts a new user name. The user makes the selection or creates a new name, not the synchronization software.

The synchronization software described in Liu is, therefore, not configured to “determine” the user name of the REX handheld device 154 as the synchronization software of Liu is not configured to consider, investigate, or calculate to ascertain the user name. Instead, the synchronization software passively waits for the user to enter a name, either newly created or selected from a list. Therefore, Liu does not teach an engine configured to determine an identity of a first party to be provided personal information.

2. personal information *of* a second party

Appellants assert that the engine of Liu is not configured to determine whether a selected field of the personal information *of* a second party can be provided to the first party. Given the Examiner’s correlations between the features of Liu and the limitations of claim 27 listed in the preceding section, the synchronization software of Liu would have to be configured to determine whether a selected field of the personal information of

the computer system 100 can be provided to the REX handheld device 154. More specifically, for Liu to teach this limitation would require that Liu teach personal information of the computer system 100. To understand why Liu does not teach personal information of the computer system 100 requires finding the broadest reasonable interpretation of the term “of,” consistent with the specification, within the context of the limitation of “personal information of a second party.”

“[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc). If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant’s use of the terms. *Brookhill-Wilk 1 LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). *The American Heritage® Dictionary of the English Language, Fourth Edition*, provided at the Dictionary.com website (<http://dictionary.reference.com/browse/of>) lists 20 definitions for the word “of.” Since this dictionary clearly shows that extrinsic sources evidence more than one definition for the term “of,” the intrinsic record *must* be consulted to identify which of the different possible definitions is most consistent with Appellants’ use of the terms. Moreover, where there are several common meanings for a claim term, as here, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.

Based on the specification, the broadest reasonable interpretation of the term “of,” within the context of the limitation “personal information of a second party,” is definition 9(c) provided by *The American Heritage® Dictionary*, “With reference to; about: *think highly of her proposals; will speak of it later.*” The specification of the present application gives the following examples that support this definition of “of.”

As one example, the specification discloses a system that “provides a storage mechanism for registered individual and business users of the system 102 to store information *about* themselves and/or their business” Specification at page 5 lines 22-24, emphasis added. The specification further refers to an “individual user’s information includ[ing] name, home and office addresses, home, office, mobile phone, and various other phone numbers, date of birth...” Specification at page 5 lines 25-27. Thus, within the context of personal information of a second party, “of” indicates that the personal information is about the second party.

Turning again to Liu, Liu discloses “a system which allows a user of an information processing device to readily map or translate user information, such as user-supplied contact lists, from one data set on one device into another data set, either on the same device or on another device” ‘131:2:33-36. The Examiner has equated the computer system 100 with the “second party” of claim 27. To read on “personal information of a second party,” the user information would have to be about the computer system 100. It is clear, however, that the user information of Liu, such as user-supplied

contact lists, is not about the computer system 100. Since Liu does not teach personal information of the computer system 100, the synchronization software of Liu cannot be configured to determine whether a selected field of the personal information of the computer system 100 can be provided to the REX handheld device 154. Therefore, Liu does not teach an engine configured to determine whether a selected field of the personal information of a second party can be provided to the first party.

3. provide the selected field of the personal information of the second party to the first party

Since Liu does not teach an engine configured to determine whether a selected field of the personal information of a second party can be provided to the first party, it follows that Liu cannot teach an engine configured to provide the selected field of the personal information of the second party to the first party.

(D) Further Novelty of Dependent Claims

1. claim 30

Dependent claim 30 further limits the information exchange system of claim 27 such that “the engine is configured to receive a message indicating a request from the first party for the selected field of the personal information of the second party and to process the message to provide the selected field of the personal information to the first party.” To teach this further limitation, the synchronization software of Liu would have to be configured to receive a message indicating a request from the REX handheld device 154 for the selected field of the personal information of the computer system 100. In

rejecting claim 30, the Examiner cited that Liu discloses “[u]pon the user selecting the Synchronize button 351, the system performs synchronization between the two devices...” ‘131:7:20-22. Here, the synchronization software of Liu receives a synchronization request from the user that selects the Synchronize button 351, rather than from the REX handheld device 154. The cited portion of Liu does not teach that the REX handheld device 154 sends a message to the synchronization software indicating a request for a selected field of the personal information of the computer system 100.

2. claim 33

Dependent claim 33 further limits the information exchange system of claim 27 such that “the engine is configured to receive a permission from the second party, to determine whether the selected field can be provided to the first party based on the permission.” In rejecting claim 33, the Examiner again cited that Liu discloses “[u]pon the user selecting the Synchronize button 351, the system performs synchronization between the two devices...” ‘131:7:20-22. Here, the synchronization software of Liu receives a synchronization request from the user that selects the Synchronize button 351, rather than a permission from the computer system 100. The cited portion of Liu does not teach that the computer system 100 provides a permission to the synchronization software to determine whether the selected field can be provided to the REX handheld device 154. Furthermore, even if the synchronization request is construed to be a permission from the computer system 100, the synchronization request does not pertain specifically to whether the selected field can be provided to the REX handheld device 154.

3. claim 34

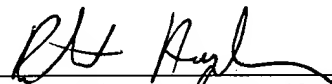
Dependent claim 34 further limits the information exchange system of claim 27 such that “the engine is configured to receive a defined period of time that indicates how long to share the selected field.” In rejecting claim 34, the Examiner cited that Liu discloses “the user can use the drop-down list 27 for each setting to change individual preferences” ‘131:6:33-34. An example recited in Liu of a user preference is “Auto Shut-Off[:] Click the arrow and specify how long desired [*sic*] for the REX card to wait before shutting off automatically” ‘131:6:40-42. The auto shut-off time of the REX handheld device 154 is apparently a power-saving mechanism for shutting off the REX handheld device 154. The cited portion of Liu does not teach that the auto shut-off time pertains to how long data can be made available but rather how long the REX handheld device 154 will remained powered. These are independent concepts. Even if the REX handheld device 154 is turned off, the data may still be available to it and could be accessed by powering up the REX handheld device 154. Thus, the “defined period of time” here does not indicate how long to share the selected field.

For all the foregoing reasons, it is requested that the Board of Patent Appeals and Interferences reverse the rejection of the Examiner regarding claims 29-49 so that this case may be allowed and pass to issue in a timely manner.

Respectfully submitted,

Ajit S. Shah et al.

Date: 2/15/2007


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Claims Appendix

Claims on Appeal:

27. An information exchange system comprising:

an engine configured to determine an identity of a first party to be provided personal information, determine whether a selected field of the personal information of a second party can be provided to the first party, and provide the selected field of the personal information of the second party to the first party; and
a database configured to store at least one field of the personal information.

28. The information exchange system of claim 27 wherein the engine is configured to determine whether the selected field of the personal information of the second party can be provided to the first party using a unique identifier of the second party.

29. The information exchange system of claim 27 wherein the engine is configured to determine whether the selected field of the personal information of the second party can be provided to the first party using a unique identifier of the first party.

30. The information exchange system of claim 27 wherein the engine is configured to receive a message indicating a request from the first party for the selected field of the personal information of the second party and to process the message to provide the selected field of the personal information to the first party.
31. The information exchange system of claim 27 wherein the engine is configured to receive a message indicating a request from the second party for the selected field of the personal information of the second party and to process the message to provide the selected field of the personal information to the first party.
32. The information exchange system of claim 27 wherein the engine is configured to process one or more customized fields of the personal information received from the second party.
33. The information exchange system of claim 27 wherein the engine is configured to receive a permission from the second party, to determine whether the selected field can be provided to the first party based on the permission.
34. The information exchange system of claim 27 wherein the engine is configured to receive a defined period of time that indicates how long to share the selected field.

35. An information exchange method comprising:

determining the identity of a first party to be provided personal information;
storing in a database at least one field of the personal information of a second party;
determining whether a selected field of the personal information of the second party can be provided to the first party; and
providing the selected field of the personal information of the second party to the first party.

36. The information exchange method of claim 35 wherein determining whether the selected field of the personal information of the second party can be provided to the first party uses a unique identifier of the second party.

37. The information exchange method of claim 35 wherein determining whether the selected field of the personal information of the second party can be provided to the first party uses a unique identifier of the first party.

38. The information exchange method of claim 35 further comprising receiving a message indicating a request from the first party for the selected field of the personal information of the second party and processing the message to provide the selected field of the personal information to the first party.

39. The information exchange method of claim 35 further comprising receiving a message indicating a request from the second party for the selected field of the personal information of the second party and providing the selected field of the personal information to the first party.
40. The information exchange method of claim 35 further comprising transmitting a message to one or more third parties when the selected field is updated, where the selected field can be provided to the one or more third parties.
41. The information exchange method of claim 35 further comprising receiving a defined period time that indicates how long to share the selected field.
42. The information exchange method of claim 35 further comprising receiving a permission from the second party, to determine whether the selected field can be provided to the first party based on the permission.
43. A software product comprising:
- software operational when executed by the processor to direct the processor to determine an identity of a first party to be provided personal information, determine whether a selected field of the personal information of a second party can be provided to the first party, and provide the selected field of the personal information of the second party to the first party; and
 - a computer readable medium configured to store the software.

44. The software product of claim 43 wherein the software is operational when executed by the processor to direct the processor to determine whether the selected field of the personal information of the second party can be provided to the first party using a unique identifier of the second party.

45. The software product of claim 43 wherein the software is operational when executed by the processor to direct the processor to determine whether the selected field of the personal information of the second party can be provided to the first party using a unique identifier of the first party.

46. The software product of claim 43 wherein the software is operational when executed by the processor to direct the processor to receive a message indicating a request from the first party for the selected field of the personal information of the second party and to process the message to provide the selected field of the personal information to the first party.

47. The software product of claim 43 wherein the software is operational when executed by the processor to direct the processor to receive a message indicating a request from the second party for the selected field of the personal information of the second party and to process the message to provide the selected field of the personal information to the first party.

48. The software product of claim 43 wherein the software is operational when executed by the processor to direct the processor to process one or more customized fields of the personal information received from the second party.

49. The software product of claim 43 wherein the software is operational when executed by the processor to direct the processor to transmit a message to one or more third parties when the selected field is updated, where the selected field can be provided to the one or more third parties.

Evidence Appendix

Not applicable in the present appeal.

Related Proceedings Appendix

Not applicable in the present appeal.